IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITON NO.2682 OF 2002
AND
WRIT PETITON NO.801 OF 2002
AND
WRIT PETITON NO.2820 OF 2002
AND
WRIT PETITON NO.2927 OF 2003
AND
WRIT PETITON NO.95 OF 2004
AND
WRIT PETITON NO.2784 OF 2004
AND
WRIT PETITON NO.1817 OF 2005

Rashtriya Mill Mazdoor Sangh ..Petitioner.

V/s.

State of Maharashtra & Ors. ..Respondents.

Ms.Beena Dholakia for petitioner in all the matters.

Ms.Nandinik Menon for respondent N.T.C. in all the matters.

CORAM : H.L.GOKHALE AND
J.P.DEVADHAR, JJ.

DATED : 12TH SEPTEMBER, 2006.

P.C. :-

. Heard Ms.Dholkia in support of the praecipe seeking appropriate modifications in the order passed by this Bench on 25th November, 2005. Ms.Nandini Menon is present for the N.T.C.(M.N.) Ltd. By the order passed by us on 25th November, 2005, we had directed the employees concerned to produce appropriate documents of identification for the purpose of collecting the refund of Professional Tax amount which has been deposited with the office of Prothonotary. Ms.Dholakia states that the documents pertaining to the

identification are produced by the employees and also by the Mill Co. However, the office of the Prothonotary is asking for a Successions Certificate before the amounts are refunded. She states that the amounts involved are very meagre. For examble she has produced a list of the amounts which are payable to the Bombay Dyeing Mills. The amount ranges between Rs.1,000/- to Rs.8,500/- and odd. She prays that Succession Certificate may be dispensed.

2. Considering that the amounts are very small, the request is quite legitimate. She further states that the employees concerned may be permitted to give affidavit. In the event an indemnity bond is required, the stamp thereof will be around Rs.200/-. Considering that the amounts involved are very small, we permit those employees whose amounts are less than Rs.4,000/- to file a simple affidavit stating that in the event any claim is made, the person concerned will reimburse those amounts. That will apply to the cases where the amount is less than Rs.4,000/-. As far as the amounts more than Rs.4,000/- the persons will file a proper affidavit containing an indemnity bond on the necessary stamp, affixing the stamp.

Praecipe disposed of.

(H.L.GOKHALE, J.)

(J.P.DEVADHAR, J.)